



General Assembly

January Session, 2009

Committee Bill No. 5630

LCO No. 4680

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Referred to Committee on Public Health

Introduced by:
(PH)

**AN ACT CONCERNING THE ESTABLISHMENT OF LICENSURE FOR
AN ADVANCED DENTAL HYGIENE PRACTITIONER.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 20-126l of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) As used in this section:

4 (1) "General supervision of a licensed dentist" means supervision
5 that authorizes dental hygiene procedures to be performed with the
6 knowledge of said licensed dentist, whether or not the dentist is on the
7 premises when such procedures are being performed;

8 (2) "Public health facility" means an institution, as defined in section
9 19a-490, a community health center, a group home, a school, a
10 preschool operated by a local or regional board of education or a head
11 start program; and

12 (3) The "practice of dental hygiene" means the performance of
13 educational, preventive and therapeutic services including: Complete
14 prophylaxis; the removal of calcerous deposits, accretions and stains

15 from the supragingival and subgingival surfaces of the teeth by
16 scaling, root planing and polishing; the application of pit and fissure
17 sealants and topical solutions to exposed portions of the teeth; dental
18 hygiene examinations and the charting of oral conditions; dental
19 hygiene assessment, dental hygiene diagnosis, treatment planning and
20 evaluation; dental triage; the administration of local anesthesia in
21 accordance with the provisions of subsection (d) of this section; and
22 collaboration in the implementation of the oral health care regimen.

23 (b) No person shall engage in the practice of dental hygiene unless
24 such person (1) has a dental hygiene license issued by the Department
25 of Public Health and (A) is practicing under the general supervision of
26 a licensed dentist, or (B) has been practicing as a licensed dental
27 hygienist for at least two years, is practicing in a public health facility
28 and complies with the requirements of subsection (e) of this section, (2)
29 has an advanced dental hygiene practice license issued by the
30 department and is practicing under a collaborative management
31 agreement with a licensed dentist, or [(2)] (3) has a dental license.

32 (c) A dental hygienist licensed under sections 20-126h to 20-126w,
33 inclusive, shall be known as a "dental hygienist" and no other person
34 shall assume such title or use the abbreviation "R.D.H." or any other
35 words, letters or figures which indicate that the person using such
36 words, letters or figures is a licensed dental hygienist. Any person who
37 employs or permits any other person except a licensed dental hygienist
38 to practice dental hygiene shall be subject to the penalties provided in
39 section 20-126t.

40 (d) A licensed dental hygienist may administer local anesthesia,
41 limited to infiltration and mandibular blocks, under the indirect
42 supervision of a licensed dentist, provided the dental hygienist can
43 demonstrate successful completion of a course of instruction
44 containing basic and current concepts of local anesthesia and pain
45 control in a program accredited by the Commission on Dental
46 Accreditation, or its successor organization, that includes: (1) Twenty

47 hours of didactic training, including, but not limited to, the psychology
48 of pain management; a review of anatomy, physiology, pharmacology
49 of anesthetic agents, emergency precautions and management, and
50 client management; instruction on the safe and effective administration
51 of anesthetic agents; and (2) eight hours of clinical training which
52 includes the direct observation of the performance of procedures. For
53 purposes of this subsection, "indirect supervision" means a licensed
54 dentist authorizes and prescribes the use of local anesthesia for a
55 patient and remains in the dental office or other location where the
56 services are being performed by the dental hygienist.

57 (e) A licensed dental hygienist shall not perform the following
58 dental services: (1) Diagnosis for dental procedures or dental treatment
59 that is outside the scope of practice of a licensed dental hygienist; (2)
60 the cutting or removal of any hard or soft tissue or suturing; (3) the
61 prescribing of drugs or medication which require the written or oral
62 order of a licensed dentist or physician; (4) the administration of
63 parenteral, inhalation or general anesthetic agents in connection with
64 any dental operative procedure; (5) the taking of any impression of the
65 teeth or jaws or the relationship of the teeth or jaws for the purpose of
66 fabricating any appliance or prosthesis; (6) the placing, finishing and
67 adjustment of temporary or final restorations, capping materials and
68 cement bases.

69 (f) Each dental hygienist practicing in a public health facility shall
70 (1) refer for treatment any patient with needs outside the dental
71 hygienist's scope of practice, and (2) coordinate such referral for
72 treatment to dentists licensed pursuant to chapter 379.

73 (g) All licensed dental hygienists applying for license renewal shall
74 be required to participate in continuing education programs. The
75 commissioner shall adopt regulations in accordance with the
76 provisions of chapter 54 to: (1) Define basic requirements for
77 continuing education programs, (2) delineate qualifying programs, (3)
78 establish a system of control and reporting, and (4) provide for waiver

79 of the continuing education requirement by the commissioner for good
80 cause.

81 Sec. 2. Section 20-112a of the general statutes is repealed and the
82 following is substituted in lieu thereof (*Effective October 1, 2009*):

83 (a) As used in this section:

84 (1) "Direct supervision" means that a licensed dentist has authorized
85 that certain procedures be performed on a patient by a dental assistant
86 with such dentist remaining on-site in the dental office while such
87 procedures are performed and that, prior to the patient's departure
88 from the dental office such dentist reviews and approves the treatment
89 performed by the dental assistant;

90 (2) "Dental assistant" means an entry level dental assistant, certified
91 dental assistant, noncertified dental assistant and an expanded
92 function dental assistant;

93 (3) "Certified dental assistant" means a person who passes the
94 certified dental assistant or certified orthodontic assistant examination
95 of the Dental Assisting National Board and maintains a current Dental
96 Assisting National Board Certified Dental Assistant or Certified
97 Orthodontic Assistant credential. Documentation of current
98 certification shall be maintained on the premises by the employing
99 dentist and made available to the Department of Public Health upon
100 request;

101 (4) "Entry level dental assistant" means a person who has completed
102 on-the-job training in dental assisting under the direct supervision,
103 control and responsibility of an employing, licensed dentist and who
104 successfully completes the infection control examination of the Dental
105 Assisting National Board not later than six months after the date of
106 commencing employment, provided any person employed as an entry
107 level dental assistant on or before October 1, 2009, shall successfully
108 complete said examination not later than October 1, 2010. An affidavit

109 that supports the successful completion of said examination by any
110 such entry level dental assistant shall be maintained on the premises
111 by the employing dentist and made available to the Department of
112 Public Health upon request;

113 (5) "Expanded function dental assistant" means a certified dental
114 assistant or dental hygienist licensed under chapter 379a who has
115 successfully completed an expanded function dental assisting program
116 at an institution that offers an education program accredited by the
117 Commission on Dental Accreditation of the American Dental
118 Association that includes: (A) Not less than seventy hours of clinical
119 and laboratory instruction and not less than forty-three hours of
120 clinical instruction; (B) a comprehensive clinical examination; and (C) a
121 standardized comprehensive written and clinical proficiency
122 examination in expanded functions according to Dental Assisting
123 National Board standards; provided prior to working as an expanded
124 function dental assistant, the employing dentist shall verify that the
125 expanded function dental assistant has successfully completed the
126 required education and training and passed the required
127 examinations. Documentation that the expanded function dental
128 assistant has met such requirements shall be maintained on the
129 premises by the employing dentist and made available to the
130 Department of Public Health upon request; and

131 (6) "Noncertified dental assistant" means a person who has
132 successfully completed a dental assistant education program
133 accredited by the Commission on Dental Accreditation of the
134 American Dental Association, or a person who has no less than three
135 thousand hours of experience as an entry level dental assistant, and
136 who has passed the infection control examination and the radiation
137 health and safety examination of the Dental Assisting National Board.
138 An affidavit that supports the successful completion of said
139 examinations by any such noncertified level dental assistant shall be
140 maintained on the premises by the employing dentist and made
141 available to the Department of Public Health upon request.

142 (b) A licensed dentist may delegate to dental assistants such dental
143 procedures as the dentist may deem advisable, including the taking of
144 dental x-rays if the dental assistant can demonstrate successful
145 completion of the dental radiography portion of an examination
146 prescribed by the Dental Assisting National Board, but all such
147 procedures shall be performed under the dentist's supervision and
148 control and the dentist shall assume responsibility for all such
149 procedures; provided such assistants may not engage in: (1) Diagnosis
150 for dental procedures or dental treatment; (2) the cutting or removal of
151 any hard or soft tissue; [or suturing;] (3) the prescribing of drugs or
152 medications that require the written or oral order of a licensed dentist
153 or physician; (4) the administration of local, parenteral, inhalation or
154 general anesthetic agents in connection with any dental operative
155 procedure; (5) the taking of any impression of the teeth or jaws or the
156 relationship of the teeth or jaws for the purpose of fabricating any
157 appliance or prosthesis; (6) the placing, finishing and adjustment of
158 [temporary or] final restorations, capping materials and cement bases;
159 [or] (7) the practice of dental hygiene as defined in section 20-126l, as
160 amended by this act; or (8) coronal polishing, unless the dental
161 assistant is certified as an expanded function dental assistant and the
162 procedure is not represented or billed as prophylaxis.

163 (c) An expanded function dental assistant shall: (1) Maintain in good
164 standing certified dental assisting status with the Dental Assisting
165 National Board or a state dental hygiene licensure as prescribed in
166 chapter 379a; (2) conspicuously display such certification or licensure
167 in the place of employment where such expanded function dental
168 assistant services shall be performed; (3) maintain professional liability
169 insurance or other indemnity against liability for professional
170 malpractice while employed in such capacity in an amount that is not
171 less than five hundred thousand dollars for one person, per
172 occurrence, with an aggregate of not less than one million five
173 hundred thousand dollars; and (4) limit his or her practice to a public
174 health facility as defined in section 20-126l, as amended by this act, or a
175 dental health professional shortage area as designated by the federal

176 Health Resources and Services Administration.

177 (d) The Commissioner of Public Health, in consultation with the
178 State Dental Commission, shall adopt regulations, in accordance with
179 chapter 54, to implement the provisions of this section. Such
180 regulations shall minimally: (1) Identify the types of procedures that
181 may be performed by a certified dental assistant, entry level dental
182 assistant, expanded function dental assistant and a noncertified dental
183 assistant; (2) delineate the levels of supervision required for such
184 procedures; and (3) prescribe that a dental assistant may work under
185 the supervision of a licensed dental hygienist in a public health facility
186 as defined in section 20-126l, as amended by this act.

187 Sec. 3. Section 20-13j of the general statutes is repealed and the
188 following is substituted in lieu thereof (*Effective January 1, 2010*):

189 (a) For the purposes of this section:

190 (1) "Department" means the Department of Public Health; and

191 (2) "Health care provider" means: (A) A physician licensed under
192 this chapter; (B) a dentist licensed under chapter 379; (C) a chiropractor
193 licensed under chapter 372; (D) an optometrist licensed under chapter
194 380; (E) a podiatrist licensed under chapter 375; (F) a natureopath
195 licensed under chapter 373; (G) a dental hygienist licensed under
196 chapter 379a; (H) an advanced dental hygiene practitioner licensed in
197 accordance with sections 4 and 5 of this act; (I) an advanced practice
198 registered nurse licensed under chapter 378; or [(I)] (J) a physical
199 therapist licensed under chapter 376.

200 (b) The department, after consultation with the Connecticut Medical
201 Examining Board, the Connecticut State Medical Society, or any other
202 appropriate state board, shall, within available appropriations, collect
203 the following information to create an individual profile on each health
204 care provider for dissemination to the public:

205 (1) The name of the medical or dental school, chiropractic college,

206 school or college of optometry, school or college of chiropraxy or
207 podiatry, school or college of natureopathy, school of dental hygiene,
208 school of physical therapy or other school or institution giving
209 instruction in the healing arts attended by the health care provider and
210 the date of graduation;

211 (2) The site, training, discipline and inclusive dates of any
212 completed postgraduate education or other professional education
213 required pursuant to the applicable licensure section of the general
214 statutes;

215 (3) The area of the health care provider's practice specialty;

216 (4) The address of the health care provider's primary practice
217 location or primary practice locations, if more than one;

218 (5) A list of languages, other than English, spoken at the health care
219 provider's primary practice locations;

220 (6) An indication of any disciplinary action taken against the health
221 care provider by the department, the appropriate state board or any
222 professional licensing or disciplinary body in another jurisdiction;

223 (7) Any current certifications issued to the health care provider by a
224 specialty board of the profession;

225 (8) The hospitals and nursing homes at which the health care
226 provider has been granted privileges;

227 (9) Any appointments of the health care provider to a Connecticut
228 medical school faculty and an indication as to whether the health care
229 provider has current responsibility for graduate medical education;

230 (10) A listing of the health care provider's publications in peer
231 reviewed literature;

232 (11) A listing of the health care provider's professional services,
233 activities and awards;

234 (12) Any hospital disciplinary actions against the health care
235 provider that resulted, within the past ten years, in the termination or
236 revocation of the health care provider's hospital privileges for a
237 professional disciplinary cause or reason, or the resignation from, or
238 nonrenewal of, professional staff membership or the restriction of
239 privileges at a hospital taken in lieu of or in settlement of a pending
240 disciplinary case related to professional competence in such hospital;

241 (13) A description of any criminal conviction of the health care
242 provider for a felony within the last ten years. For the purposes of this
243 subdivision, a health care provider shall be deemed to be convicted of
244 a felony if the health care provider pleaded guilty or was found or
245 adjudged guilty by a court of competent jurisdiction or has been
246 convicted of a felony by the entry of a plea of nolo contendere;

247 (14) To the extent available, and consistent with the provisions of
248 subsection (c) of this section, all professional malpractice court
249 judgments and all professional malpractice arbitration awards against
250 the health care provider in which a payment was awarded to a
251 complaining party during the last ten years, and all settlements of
252 professional malpractice claims against the health care provider in
253 which a payment was made to a complaining party within the last ten
254 years;

255 (15) An indication as to whether the health care provider is actively
256 involved in patient care; and

257 (16) The name of the health care provider's professional liability
258 insurance carrier.

259 (c) Any report of a professional malpractice judgment or award
260 against a health care provider made under subdivision (14) of
261 subsection (b) of this section shall comply with the following: (1)
262 Dispositions of paid claims shall be reported in a minimum of three
263 graduated categories indicating the level of significance of the award
264 or settlement; (2) information concerning paid professional malpractice

265 claims shall be placed in context by comparing an individual health
266 care provider's professional malpractice judgments, awards and
267 settlements to the experience of other health care providers licensed in
268 Connecticut who perform procedures and treat patients with a similar
269 degree of risk; (3) all judgment award and settlement information
270 reported shall be limited to amounts actually paid by or on behalf of
271 the health care provider; and (4) comparisons of professional
272 malpractice payment data shall be accompanied by (A) an explanation
273 of the fact that health care providers treating certain patients and
274 performing certain procedures are more likely to be the subject of
275 litigation than others and that the comparison given is for health care
276 providers who perform procedures and treat patients with a similar
277 degree of risk; (B) a statement that the report reflects data for the last
278 ten years and the recipient should take into account the number of
279 years the health care provider has been in practice when considering
280 the data; (C) an explanation that an incident giving rise to a
281 professional malpractice claim may have occurred years before any
282 payment was made due to the time lawsuits take to move through the
283 legal system; (D) an explanation of the effect of treating high-risk
284 patients on a health care provider's professional malpractice history;
285 and (E) an explanation that professional malpractice cases may be
286 settled for reasons other than liability and that settlements are
287 sometimes made by the insurer without the health care provider's
288 consent. Information concerning all settlements shall be accompanied
289 by the following statement: "Settlement of a claim may occur for a
290 variety of reasons that do not necessarily reflect negatively on the
291 professional competence or conduct of the health care provider. A
292 payment in settlement of a professional malpractice action or claim
293 should not be construed as creating a presumption that professional
294 malpractice has occurred."

295 (d) Pending professional malpractice claims against a health care
296 provider and actual amounts paid by or on behalf of a health care
297 provider in connection with a professional malpractice judgment,
298 award or settlement shall not be disclosed by the department to the

299 public. This subsection shall not be construed to prevent the
300 department from investigating and disciplining a health care provider
301 on the basis of professional malpractice claims that are pending.

302 (e) Prior to the initial release of a health care provider's profile to the
303 public, the department shall provide the health care provider with a
304 copy of the health care provider's profile. Additionally, any
305 amendments or modifications to the profile that were not supplied by
306 the health care provider or not generated by the department itself shall
307 be provided to the health care provider for review prior to release to
308 the public. A health care provider shall have sixty days from the date
309 the department mails or delivers the prepublication copy to dispute
310 the accuracy of any information that the department proposes to
311 include in such profile and to submit a written statement setting forth
312 the basis for such dispute. If a health care provider does not notify the
313 department that the health care provider disputes the accuracy of such
314 information within such sixty-day period, the department shall make
315 the profile available to the public and the health care provider shall be
316 deemed to have approved the profile and all information contained in
317 the profile. If a health care provider notifies the department that the
318 health care provider disputes the accuracy of such information in
319 accordance with this subsection, the health care provider's profile shall
320 be released to the public without the disputed information, but with a
321 statement to the effect that information in the identified category is
322 currently the subject of a dispute and is therefore not currently
323 available. Not later than thirty days after the department's receipt of
324 notice of a dispute, the department shall review any information
325 submitted by the health care provider in support of such dispute and
326 determine whether to amend the information contained in the profile.
327 In the event that the department determines not to amend the disputed
328 information, the disputed information shall be included in the profile
329 with a statement that such information is disputed by the health care
330 provider.

331 (f) A health care provider may elect to have the health care

332 provider's profile omit information provided pursuant to subdivisions
333 (9) to (11), inclusive, of subsection (b) of this section. In collecting
334 information for such profiles and in the dissemination of such profiles,
335 the department shall inform health care providers that they may
336 choose not to provide the information described in said subdivisions
337 (9) to (11), inclusive.

338 (g) Each profile created pursuant to this section shall include the
339 following statement: "This profile contains information that may be
340 used as a starting point in evaluating a health care provider. This
341 profile should not, however, be your sole basis for selecting a health
342 care provider."

343 (h) The department shall maintain a web site on the Internet for use
344 by the public in obtaining profiles of health care providers.

345 (i) No state law that would otherwise prohibit, limit or penalize
346 disclosure of information about a health care provider shall apply to
347 disclosure of information required by this section.

348 (j) All information provided by a health care provider pursuant to
349 this section shall be subject to the penalty for false statement under
350 section 53a-157b.

351 (k) Except for the information in subdivisions (1), (2), (10) and (11)
352 of subsection (b) of this section, a health care provider shall notify the
353 department of any changes to the information required in subsection
354 (b) of this section not later than sixty days after such change."

355 Sec. 4. (NEW) (*Effective October 1, 2009*) No person shall engage in
356 advanced dental hygiene practice unless such person holds and
357 maintains a dental hygiene license in good standing and an advanced
358 dental hygiene practice license issued by the Department of Public
359 Health. An advanced dental hygiene practice license issued under
360 section 5 of this act shall be renewed annually in accordance with the
361 provisions of section 19a-88 of the general statutes, as amended by this

362 act.

363 Sec. 5. (NEW) (*Effective October 1, 2009*) (a) Each application for an
364 advanced dental hygiene practice license shall be in writing on forms
365 prescribed by the Department of Public Health, signed by the
366 applicant and accompanied by an application fee of two hundred
367 dollars. An applicant shall have graduated from a master's degree
368 program in advanced dental hygiene practice from an institution of
369 higher learning accredited by the Board of Governors of Higher
370 Education in accordance with the provisions of section 10a-34 of the
371 general statutes. Any such master's degree program accredited by the
372 Board of Governors of Higher Education shall include a curriculum
373 that incorporates advanced dental hygiene practice competencies as
374 adopted by the American Dental Hygienists' Association.

375 (b) An applicant for an advanced dental hygiene practice license
376 shall be examined as to his or her professional knowledge and skill
377 prior to the granting of such license, through a comprehensive,
378 competency-based examination, prescribed by the Department of
379 Public Health and administered independently of any institution of
380 higher education that offers a master's degree program in advanced
381 dental hygiene practice.

382 Sec. 6. (NEW) (*Effective October 1, 2009*) (a) As used in this section:

383 (1) "Advanced dental hygiene practitioner" means a licensed dental
384 hygienist who satisfies the requirements of sections 4 and 5 of this act
385 and is authorized to perform all services set forth in section 20-126l of
386 the general statutes, as amended by this act, pursuant to a
387 collaborative management agreement;

388 (2) "Collaborative management agreement" means a written
389 agreement between an advanced dental hygiene practitioner and a
390 dentist, licensed in accordance with the provisions of chapter 379 of
391 the general statutes, that outlines a mutually agreed upon relationship
392 in which the advanced dental hygiene practitioner and the dentist

393 agree to the parameters of practice provided by such advanced dental
394 hygiene practitioner; and

395 (3) "Public health facility" means an institution, as defined in section
396 19a-490 of the general statutes, a community health center, group
397 home, school, preschool operated by a local or regional board of
398 education or head start program.

399 (b) Pursuant to a collaborative management agreement with a
400 licensed dentist, an advanced dental hygiene practitioner may:

401 (1) Formulate an individualized care plan based on scientific
402 rationale, evidence-based standards of care, and practice guidelines in
403 collaboration with the patient and multidisciplinary health care team;

404 (2) Administer local anesthesia;

405 (3) Diagnose and treat for oral diseases and conditions within the
406 advanced dental hygiene practitioner scope of practice;

407 (4) Provide diagnostic, educational, palliative, therapeutic,
408 prescriptive and minimally invasive restorative oral health services
409 including: (A) Preparation and restoration of primary and permanent
410 teeth using direct placement of appropriate dental materials; (B)
411 temporary placement of crowns and restorations; (C) placement of
412 preformed crowns; (D) pulpotomies on primary teeth; (E) direct and
413 indirect pulp capping in primary and permanent teeth; and (F)
414 placement of atraumatic temporary restorations;

415 (5) Prescribe, dispense and administer the following drugs within
416 the parameters of the collaborative management agreement and within
417 the scope of practice of the advanced dental hygiene practitioner:
418 Analgesics, anti-inflammatories and antibiotics;

419 (6) Perform nonsurgical extractions on mobile, exfoliating, primary
420 and permanent teeth;

421 (7) Place and remove sutures;

422 (8) Prevent or intercept potential orthodontic problems and
423 parafunctional habits by early identification of such problems, space
424 maintenance services and appropriate referral to other health care
425 professionals;

426 (9) Provide temporary reparative services to patients with defective
427 prosthetic appliances;

428 (10) Consult, collaborate and coordinate care with other health care
429 professionals;

430 (11) Provide referrals to patients as needed for further dental
431 procedures or other health care needs;

432 (12) Utilize emerging technologies in assessment, evaluation,
433 diagnosis, prognosis, intervention and prevention of disease or
434 conditions that impair oral or systemic health and wellness; and

435 (13) Use electronic technology to transfer digital radiography,
436 photography, clinical assessment data and fiber optic imaging in
437 collaboration with other health care professionals when warranted for
438 the health of the patient.

439 (c) An advanced dental hygiene practitioner, licensed in accordance
440 with the provisions of sections 4 and 5 of this act, shall practice
441 pursuant to a collaborative management agreement only in a public
442 health facility or a dental health professional workforce shortage area
443 as designated by the federal Health Resources and Services
444 Administration.

445 (d) A collaborative management agreement entered into in
446 accordance with the provisions of this section shall be in writing,
447 signed by the parties to the agreement and maintained by the
448 advanced dental hygiene practitioner at the location where such
449 practitioner is employed and shall be available for inspection upon the

450 request of the Department of Public Health. A collaborative
451 management agreement shall be reviewed by the parties involved on
452 an annual basis and shall minimally include: (1) A description of the
453 supervisory relationship between the advanced dental hygiene
454 practitioner and the licensed dentist; (2) specific protocols for
455 prescribing, administering and dispensing medications, including, the
456 types of medications to be prescribed, administered and dispensed and
457 the conditions and circumstances under which such medications are to
458 be prescribed, dispensed and administered; and (3) an emergency
459 protocol that addresses situations under which the following shall
460 occur: (A) Consultation with a licensed dentist or other health care
461 provider; (B) transfer of patient care to a licensed dentist or other
462 licensed health care provider; (C) the provision of emergency care; (D)
463 methods for disclosing the relationship covered by such agreement to
464 the patient; and (E) methods for reviewing patient outcomes.

465 (e) All licensed advanced dental hygiene practitioners shall
466 participate in continuing education programs.

467 Sec. 7. (NEW) (*Effective October 1, 2009*) An advanced dental hygiene
468 practitioner's license along with such practitioner's dental hygiene
469 license for the current year shall be displayed conspicuously in the
470 public health facility, office, place of business or place of employment
471 of such practitioner. Each licensed advanced dental hygiene
472 practitioner shall promptly notify the department of any change of
473 address or employment subsequent to his or her licensure.

474 Sec. 8. (NEW) (*Effective October 1, 2009*) (a) The Department of Public
475 Health may take any of the actions set forth in section 19a-17 of the
476 general statutes for any of the following causes: (1) The presentation to
477 the department of any diploma or license illegally or fraudulently
478 obtained, obtained from an institution that is not accredited or from an
479 unrecognized or irregular institution or state board, or obtained by the
480 practice of any fraud or deception; (2) illegal conduct; (3) negligent,
481 incompetent or wrongful conduct in professional activities; (4)

482 conviction of the violation of any of the provisions of sections 20-126h
483 to 20-126w, inclusive, of the general statutes, as amended by this act,
484 by any court of criminal jurisdiction; (5) the violation of any of the
485 provisions of said sections or of the regulations adopted hereunder or
486 the refusal to comply with any of said provisions or regulations; (6) the
487 aiding or abetting in the practice of advanced dental hygiene of a
488 person not licensed to practice in this state; (7) engaging in fraud or
489 material deception in the course of professional activities; (8) the
490 effects of physical or mental illness, emotional disorder or loss of
491 motor skill, including, but not limited to, deterioration through the
492 aging process, upon the license holder; (9) abuse or excessive use of
493 drugs, including alcohol, narcotics or chemicals; (10) failure to comply
494 with mandatory continuing education requirements; (11) failure to
495 maintain professional liability insurance; (12) practicing without a
496 collaborative management agreement; (13) failure to properly
497 supervise dental assistants; or (14) failure to provide information to the
498 Department of Public Health required to complete a health care
499 profile, as set forth in section 20-13j of the general statutes, as amended
500 by this act. A violation of any of the provisions of sections 4 to 14,
501 inclusive, of this act, by any unlicensed advanced dental hygiene
502 practitioner, with the knowledge of such practitioner's employer, shall
503 be deemed a violation thereof by such employer. The Commissioner of
504 Public Health may order a license holder to submit to a reasonable
505 physical or mental examination if his or her physical or mental
506 capacity to practice safely is the subject of an investigation. Said
507 commissioner may petition the superior court for the judicial district of
508 Hartford to enforce such order or any action taken pursuant to said
509 section 19a-17.

510 (b) For purposes of subdivision (7) of subsection (a) of this section,
511 fraud or material deception shall include, but not be limited to, the
512 following practices: (1) Submission of a claim form to a third party
513 intentionally reporting incorrect treatment dates for the purpose of
514 assisting a patient in obtaining benefits under a dental plan, which
515 benefits would otherwise be disallowed; (2) increasing a fee to a

516 patient for a service in excess of the fee charged solely because the
517 patient has dental insurance; (3) intentionally describing a procedure
518 incorrectly on a third-party claim form in order to receive a greater
519 payment or reimbursement or intentionally misrepresenting a
520 procedure not otherwise eligible for payment or reimbursement on
521 such claim form for the purpose of receiving payment or
522 reimbursement; and (4) intentionally accepting payment from a third
523 party as payment in full for patient services rendered when (A) the
524 patient has been excused from payment of any applicable deductible
525 by the license holder, and (B) such license holder fails to notify the
526 third party of such action.

527 Sec. 9. (NEW) (*Effective October 1, 2009*) No person shall falsely claim
528 to hold a license, diploma or degree granted by a society, school or by
529 the Department of Public Health, or, with intent to deceive the public,
530 pretend to be a graduate of any advanced dental hygiene practice
531 program or college, or append the letters "A.D.H.P." to his or her
532 name, without having the degree indicated by such letters conferred
533 upon him by diploma from a college, a school, a board of examiners, or
534 other agency empowered to confer the same.

535 Sec. 10. (NEW) (*Effective October 1, 2009*) Payment for advanced
536 dental hygiene practice care rendered to patients in chronic and
537 convalescent hospitals or convalescent homes shall be made directly to
538 the licensed advanced dental hygiene practitioner rendering such care.
539 The Commissioner of Social Services shall not be required to recognize
540 the cost of employing or contracting with an advanced dental hygiene
541 practitioner in the rates established for convalescent homes pursuant
542 to section 17b-340 of the general statutes.

543 Sec. 11. (NEW) (*Effective October 1, 2009*) Any person who violates
544 any provision of sections 4 to 14, inclusive, of this act shall be fined not
545 more than five thousand dollars in aggregate. Any person who
546 continues to practice as an advanced dental hygiene practitioner or
547 engage as an advanced dental hygiene practitioner, after his or her

548 license or authority to so do has been suspended or revoked and while
549 such disability continues, shall be fined not more than five thousand
550 dollars in aggregate. For purposes of this section, each instance of
551 patient contact or consultation which is in violation of any provision of
552 this section shall constitute a separate offense. Failure to renew a
553 license in a timely manner shall not constitute a violation for the
554 purposes of this section.

555 Sec. 12. (NEW) (*Effective October 1, 2009*) Nothing in sections 4 to 14,
556 inclusive, of this act shall be construed to: (1) Allow a licensed
557 advanced dental hygiene practitioner to practice beyond the
558 parameters of the collaborative management agreement with the
559 collaborating licensed dentist; or (2) prevent a licensed dentist from
560 providing advanced dental hygiene practice services.

561 Sec. 13. (NEW) (*Effective October 1, 2009*) (a) Each licensed advanced
562 dental hygiene practitioner who provides direct patient care services
563 shall maintain professional liability insurance or other indemnity
564 against liability for professional malpractice. The amount of insurance
565 that each such person shall carry as insurance or indemnity against
566 claims for injury or death for professional malpractice shall not be less
567 than five hundred thousand dollars for one person, per occurrence,
568 with an aggregate of not less than one million five hundred thousand
569 dollars.

570 (b) Each insurance company that issues professional liability
571 insurance, as defined in subdivisions (1), (6), (7), (8) and (9) of
572 subsection (b) of section 38a-393 of the general statutes, shall, on and
573 after January 1, 2010, render to the Commissioner of Public Health a
574 true record of the names, according to classification, of cancellations of
575 and refusals to renew professional liability insurance policies and the
576 reasons for such cancellations or refusal to renew said policies for the
577 year ending on the thirty-first day of December next preceding.

578 Sec. 14. (NEW) (*Effective October 1, 2009*) The Commissioner of
579 Public Health shall adopt regulations, in accordance with chapter 54 of

580 the general statutes, to: (1) Define basic requirements for continuing
581 education programs; (2) delineate qualifying programs; (3) establish a
582 system of control and reporting; (4) provide for waiver of the
583 continuing education requirement by the commissioner for good
584 cause; and (5) implement the provisions of sections 4 to 14, inclusive,
585 of this act.

586 Sec. 15. Subsection (c) of section 19a-14 of the general statutes is
587 repealed and the following is substituted in lieu thereof (*Effective*
588 *October 1, 2009*):

589 (c) No board shall exist for the following professions that are
590 licensed or otherwise regulated by the Department of Public Health:

591 (1) Speech and language pathologist and audiologist;

592 (2) Hearing instrument specialist;

593 (3) Nursing home administrator;

594 (4) Sanitarian;

595 (5) Subsurface sewage system installer or cleaner;

596 (6) Marital and family therapist;

597 (7) Nurse-midwife;

598 (8) Licensed clinical social worker;

599 (9) Respiratory care practitioner;

600 (10) Asbestos contractor and asbestos consultant;

601 (11) Massage therapist;

602 (12) Registered nurse's aide;

603 (13) Radiographer;

- 604 (14) Dental hygienist;
- 605 (15) Dietitian-Nutritionist;
- 606 (16) Asbestos abatement worker;
- 607 (17) Asbestos abatement site supervisor;
- 608 (18) Licensed or certified alcohol and drug counselor;
- 609 (19) Professional counselor;
- 610 (20) Acupuncturist;
- 611 (21) Occupational therapist and occupational therapist assistant;
- 612 (22) Lead abatement contractor, lead consultant contractor, lead
613 consultant, lead abatement supervisor, lead abatement worker,
614 inspector and planner-project designer;
- 615 (23) Emergency medical technician, emergency medical technician-
616 intermediate, medical response technician and emergency medical
617 services instructor;
- 618 (24) Paramedic;
- 619 (25) Athletic trainer; [and]
- 620 (26) Perfusionist; and
- 621 (27) Advanced dental hygiene practitioner.

622 The department shall assume all powers and duties normally vested
623 with a board in administering regulatory jurisdiction over such
624 professions. The uniform provisions of [this chapter] sections 4 to 14,
625 inclusive, of this act and chapters 368v, 369 to 381a, inclusive, 383 to
626 388, inclusive, 393a, 395, 398, 399, 400a and 400c, including, but not
627 limited to, standards for entry and renewal; grounds for professional
628 discipline; receiving and processing complaints; and disciplinary

629 sanctions, shall apply, except as otherwise provided by law, to the
630 professions listed in this subsection.

631 Sec. 16. Subsection (a) of section 19a-88 of the general statutes is
632 repealed and the following is substituted in lieu thereof (*Effective*
633 *October 1, 2009*):

634 (a) Each person holding a license to practice dentistry, optometry,
635 midwifery, [or] dental hygiene or advanced dental hygiene practice
636 shall, annually, during the month of such person's birth, register with
637 the Department of Public Health, upon payment of the professional
638 services fee for class I, as defined in section 33-182l in the case of a
639 dentist, except as provided in sections 19a-88b and 20-113b, the
640 professional services fee for class H, as defined in section 33-182l in the
641 case of an optometrist, five dollars in the case of a midwife, and fifty
642 dollars in the case of a dental hygienist, on blanks to be furnished by
643 the department for such purpose, giving such person's name in full,
644 such person's residence and business address and such other
645 information as the department requests. Each person holding a license
646 to practice dentistry who has retired from the profession may renew
647 such license, but the fee shall be ten per cent of the professional
648 services fee for class I, as defined in section 33-182l. Any license
649 provided by the department at a reduced fee pursuant to this
650 subsection shall indicate that the dentist is retired.

651 Sec. 17. Subsection (a) of section 19a-12a of the general statutes is
652 repealed and the following is substituted in lieu thereof (*Effective*
653 *October 1, 2009*):

654 (a) As used in this section and section 19a-12b:

655 (1) "Chemical dependency" means abusive or excessive use of
656 drugs, including alcohol, narcotics or chemicals, that results in
657 physical or psychological dependence;

658 (2) "Department" means the Department of Public Health;

659 (3) "Health care professionals" includes any person licensed or who
 660 holds a permit pursuant to chapter 370, 372, 373, 375, 375a, 376, 376a,
 661 376b, 376c, 377, 378, 379, 379a, 380, 381, 381a, 383, 383a, 383b, 383c, 384,
 662 384a, 384b, 384c, 384d, 385, 398 or 399 or sections 4 to 14, inclusive, of
 663 this act;

664 (4) "Medical review committee" means any committee that reviews
 665 and monitors participation by health care professionals in the
 666 assistance program, including a medical review committee described
 667 in section 19a-17b; and

668 (5) "Assistance program" means the program established pursuant
 669 to subsection (b) of this section to provide education, prevention,
 670 intervention, referral assistance, rehabilitation or support services to
 671 health care professionals who have a chemical dependency, emotional
 672 or behavioral disorder or physical or mental illness.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	20-126l
Sec. 2	<i>October 1, 2009</i>	20-112a
Sec. 3	<i>January 1, 2010</i>	20-13j
Sec. 4	<i>October 1, 2009</i>	New section
Sec. 5	<i>October 1, 2009</i>	New section
Sec. 6	<i>October 1, 2009</i>	New section
Sec. 7	<i>October 1, 2009</i>	New section
Sec. 8	<i>October 1, 2009</i>	New section
Sec. 9	<i>October 1, 2009</i>	New section
Sec. 10	<i>October 1, 2009</i>	New section
Sec. 11	<i>October 1, 2009</i>	New section
Sec. 12	<i>October 1, 2009</i>	New section
Sec. 13	<i>October 1, 2009</i>	New section
Sec. 14	<i>October 1, 2009</i>	New section
Sec. 15	<i>October 1, 2009</i>	19a-14(c)
Sec. 16	<i>October 1, 2009</i>	19a-88(a)
Sec. 17	<i>October 1, 2009</i>	19a-12a(a)

Statement of Purpose:

To increase access to dental care for underserved populations through use of advanced dental hygiene practitioners.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. NARDELLO, 89th Dist.; REP. HORNISH, 62nd Dist.

H.B. 5630